

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT  
DISTRICT OF MASS.

M KHALID KHAN

Plaintiff

Civil Action No\_\_\_\_\_

Vs

GODADDY, LLC, aka  
GODADDY.COM, INC., aka  
GODADDY GROUP, INC.  
(Arizona entities with offices in  
various states);

IPAGE HOSTING, LLC.

JOHN DOES 1 THROUGH 10,  
all whose true names are unknown,

Defendants

**COMPLAINT AND JURY DEMAND**

Plaintiff, M Khalid Khan complains hereby files this Complaint requesting damages and injunctive relief, and alleges as follows:

## **NATURE OF PROCEEDINGS**

1. This action arises out of false and defamatory statements posted by defendants through their own website [www.diplomamillscam.com](http://www.diplomamillscam.com) operated by the defendants. In addition to being false, defamatory and libelous, the information posted by the defendants were, on information and belief, part of a conspiracy to extort money from plaintiffs and other similar businesses.

## **PARTIES**

2. Plaintiff M Khalid Khan is a Pakistani citizen and sole proprietor of M/S Virtual Learning International, with its principle place of business in Karachi, Pakistan. M/S Virtual Learning International is a marketing company having exclusive marketing rights of "Northern Port University" for Middle East and South Asian region as well as brand ownership rights of Northern Port University.
3. Defendant GODADDY LLC, also known under the alternative corporate names GODADDY.COM, INC., and GODADDY GROUP INC., and THE GO DADDY GROUP INC. (hereinafter also "GODADDY") is an Arizona entity, representing the same business, using different corporate names, without independent corporate existence, with the Headquarters at: 14455 N. Hayden Rd., Ste. 226 Scottsdale, AZ 85260. GODADDY is the hosting provider and registrant of Internet domains for the worldwide web, offering also advertisements on the

Internet. As relevant in this action, it provided the hosting of the domain: <http://www.diplomamillscam.com> which has been used for fraudulent and defamatory purposes, defaming the brand name marketed by Plaintiff, which is described more in detail below. GODADDY ignored Plaintiffs' requests to cooperate in disabling the prima facie defamatory website.

4. Defendant ipage hosting LLC (hereinafter also "ipage") is a Massachusetts based company with the headquarters located at: 70 Blanchard Road Burlington, Massachusetts 01803 United States and is involved in domain name registration and hosting services. As relevant in this action, it provided the domain name registration and acted as a proxy registrant for this domain thus hiding the information of the real owner of the domain <http://www.diplomamillscam.com> which has been used for fraudulent and defamatory purposes, defaming the brand name marketed by Plaintiff, which is described more in detail below. ipage ignored Plaintiffs' requests to cooperate in revealing the real information of the registrant and refused to disable the domain name and also denied acceptance of the legal notice sent via fedex on the registrants whois information for [www.diplomamillscam.com](http://www.diplomamillscam.com) listed with the domain registry. This information is currently the same as the information of ipage own office.

5. Plaintiff does not currently know the name or identity of the person or persons responsible for certain acts referred to herein, and therefore designate such person(s) as John Does 1-10. Plaintiff asserts on information and belief that Plaintiff cannot ascertain Defendant's actual identity without limited expedited discovery.

#### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over Plaintiffs claims pursuant to 28 U.S.C. § 1332 because of the diverse citizenship of the parties and because the amount in controversy in this litigation exceeds the sum of seventy five thousand dollars (\$75,000.00) exclusive of interest and costs.
7. This Court has personal jurisdiction over non-resident Defendants, if any, under the Massachusetts long-arm statute, MA ST 223A § 3.
8. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b) because the Defendants are one or more persons residing in and/or conducting business in the State of Massachusetts by virtue of their contracting for domain name registration and proxy services there.

#### **FACTUAL BACKGROUND**

9. During marketing activities, Plaintiff came to know that highly defamatory material published through a domain www.diplomamillscam.com and

appearing at various links throughout the website with intention and malevolent objectives to malign, vilify and disrepute "Northern Port University" and lower its image amongst the students, teachers, other educational institutions and more importantly the Public, just to cause serious damage to the University. All actions mentioned above, ultimately cause damage to the business and reputation of the Plaintiff being the exclusive regional marketing representative for the University.

10. The home page of the Defendants website ([www.diplomamillscam.com](http://www.diplomamillscam.com)) clearly made an offer to sell the domain full of defamatory content thus making it an obvious attempt of blackmailing for monetary gains through cyber stalking and harassment.
11. Numerous false and defamatory statements about Northern Port University have been published and disseminated by Defendants on the above website. Defendants, through the website, have made serious allegations against Northern Port University and maliciously accused the said university of perpetrating fraud upon consumers and handing out fake degrees.
12. On or around December 07, 2012 Plaintiff sent Legal Notice to the John Doe Defendants informing them of their defamatory statements and illegal activities. However, defendants did not give any positive response and the defamatory materials remain on the same place.
13. On or around December 07, 2012 the plaintiff also sent legal notice to the domain registrar (Fast Domains Inc), the sub-registrar and proxy registrant of the website (Defendant Ipage Inc.) and the hosting company at that time (Single Hop LLC).

14. On December 14, 2012 the plaintiff received a response from the proxy registrant and sub-registrar of the website, Ipage Inc., that the website has been terminated due to non-compliance with the removal request. However, at that time the infringing website www.diplomamillscam.com was still available. Upon Plaintiffs queries Ipage Inc. was not able to provide a satisfactory response neither shared any information related to the owner of www.diplomamillscam.com. The physical copy of the notice sent via Fedex to the domain registrant was also retuned due to incorrect address further proving the illegal registration of the domain name by the defendants.
15. On December 20, 2012 the plaintiffs came to know that the hosting company (singlehop llc.) of the John Doe defendants suspended their website due to which the defendants moved to another non-US based hosting company Altus Hosting Inc. incorporated in Belize. The Plaintiffs then complained to Altus Hosting Inc. upon which Altus Hosting also terminated the hosting account in lieu of the defamatory postings and extortion attempts. After which the defendants moved their hosting to US based Godaddy.com LLC.
16. The website www.diplomamillscam.com is totally in violation of Godaddy.com's own terms of services however, Goddady.com refused to terminate the account.
17. The plaintiffs also requested the Godaddy.com LLC and the previous hosting company, Single Hop llc to provide the information of the owner of the illegal website however, these requests were denied.

**Defamatory Contents on website**

18. The website www.diplomamillscam.com consists of a main page, which contains texts collating a list of fake diploma schools including Northern Port University.
19. On the main page of the website, Defendants referred to Northern Port University as "fake college".
20. Defendants also referred to Northern Port University as "*Northern Port University Scam Quick Facts*". Also, on the said page of the website the said University is referred to as, "*So a welcome to Northern Port "University the newest member of the fake university club."*"
21. Defendants also posted/published "*welcome to Northern Port "University the newest member of the fake university club, along with your clones like Belford, Headway, Corllins, Woodfield, Mcford.*"
22. Defendants further posted/published "*More fake degree offers from Northern Port University. In comes an email entitled "New Year Greetings and Savings from Northern Port University".*
23. All of the foregoing factual statements regarding Northern Port University and all factual statements implicit in those express factual statements, are false and patently lack factual support.
24. All of the foregoing factual statements were authored by Defendants, with knowledge of their falsity, and disregard for the truth or falsity of such statements.

25. The defamatory material published with sole intention and malevolent objectives to malign, vilify and disrepute Northern Port University and lower its image among the Public and to extort money and cause serious damage to the Plaintiff.

## **FIRST CAUSE OF ACTION**

### **(Defamation)**

26. Plaintiff repeats and reasserts the allegations contained in Paragraph 1 to 25 of the Complaint as if set forth fully herein.

27. As the foregoing demonstrates, Defendants have engaged in prolonged and concerned campaign to defame Northern Port University by publishing false materials asserting that the Northern Port University is a fake University which ultimately cause to damage the business of the Plaintiff.

28. Defendants posted/published such material over the course of several months in a malicious attempt to harm and injure the business of the Plaintiff by posting the illegal contents against the University.

29. Defendants posted/published such statement with actual knowledge that the materials available at the website were false and/or with reckless disregard for the truth falsity of such material. Defendants fully aware that the aforesaid contents must be damaged to the Plaintiff.

30. Material available at the said website is actually false and frivolous.

31. By reason of the foregoing, Plaintiff has been damaged in an amount to be determined at trial, presently estimated to exceed \$1 Million.
32. Plaintiff is also entitled to punitive damages from the defendants, as well as an injunction prohibiting Defendants from continuing such misconduct.

## **SECOND CAUSE OF ACTION**

**(Tortious Interference with prospective Economic advantage)**

33. Plaintiff repeats and reasserts the allegations contained in Paragraph 1 to 32 of the Complaint as if set forth fully herein.
34. Plaintiff has exclusive marketing of Northern Port University. Plaintiff is being approached by students and teachers from across the world through the internet and other means.
35. Information posted/published by defendants on the website demonstrates that defendants are very much aware that Northern Port University being an online education institute and Plaintiff markets the services of the University to students internationally.
36. By posting the false and defamatory material set forth above, Defendants have tortuously interfered with the prospective economic advantage to obtain by Plaintiff from prospective students through marketing.

37. Specifically, Defendants dissemination of the false and defamatory material regarding University severally discourages prospective and current students from using Northern Port University in the future.
38. As a result Plaintiff has suffered economic harm.
39. By reason of the foregoing, Plaintiff has been damaged in an amount to be determined at trial, presently estimated to exceed \$1 Million.
40. Plaintiff is also entitled to punitive damages from the defendants, as well as an injunction prohibiting Defendants from continuing such misconduct.

### **THIRD CAUSE OF ACTION**

#### **(Extortion)**

41. Plaintiff repeats and reasserts the allegations contained in Paragraph 1 to 40 of the Complaint as if set forth fully herein.
42. Defendants have been habitual in nature to involve in criminal activities. First they publish defamatory material on the websites and then offer to sale out the domain with all defamatory contents. The home page of the Defendant's website ([www.diplomamillscam.com](http://www.diplomamillscam.com)) is clearly making an offer to sell the domain full of defamatory content thus making it an obvious attempt of blackmailing for monetary gains which clearly amounts to extortion by conducts.
43. Plaintiff further reveals that Defendants have deeply involved in cyber extortion and dubious criminal activities. First they publish defamatory material and then offer to sale out the domain with all defamatory contents. The home page of the

Defendant No.1's website ([www.diplomamillscam.com](http://www.diplomamillscam.com)) is clearly making an offer to sell the domain full of defamatory content thus making it an obvious attempt of blackmailing for monetary gains which clearly amounts to extortion by conducts.

44. Defendants published the defamatory material with sole intention to get some illegal gain by selling the domain with defamatory contents as needless to mention here that it is easiest way to purchase the domain which affects your business rather than approach the Court.
45. Action of the Defendants is illegal and with malafide intention.
46. As a result Plaintiff has suffered economic harm.
47. Plaintiff is also entitled to punitive damages from the defendants, as well as an injunction prohibiting Defendants from continuing such illegal activities.

WHEREAS, Plaintiff demands judgment against Defendants, as follows:

- A. On all causes of action, an injunction Prohibiting Defendants, and each of their officers, agents, servants, employees, and attorneys, and those persons in active consents or participation with them who receive actual notice of the order by personal service or otherwise from:
  - i. Making any false statement regarding Northern Port University

ii. Publishing and/or republishing any false statements regarding Northern Port University.

iii. Making, Publishing and/or republishing any false statements regarding Northern Port University identified here.

B. On all causes of action, direction to the defendant to suspend/ban/disable the website [www.diplomamillscam.com](http://www.diplomamillscam.com) being actively involved in extortion, harassment and defamation.

C. With respect to First Cause of Action, for damages in an amount to be determined at trial, presently estimated to exceed \$1 Million.

D. With respect to Second Cause of Action, for damages in an amount to be determined at trial, presently estimated to exceed \$1 Million.

E. With respect to all Causes of Action, an award of punitive damages from Defendants.

F. The costs and disbursement of this action and

G. For such other relief as this Court deems just and proper.

**Jury Demand**

The Plaintiff M Khalid Khan, hereby demand a trial by jury on all issues that are triable by Jury.



M Khalid Khan  
Pro se Plaintiff

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Dated: February 07, 2012